UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,798	12/04/2003	Phillip M. Adams	2456.2.13.1	6835

28049   7590   11/29/2010
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ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
11/29/2010	PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/727,798
Filing Date: December 04, 2003
Appellant(s): ADAMS, PHILLIP M.

_____
A. John Pate
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 27, 2010 and November 2, 2010 appealing from the Office action mailed May 4, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-2, 4-8, 10-13, 17-20 and 23-25

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2002/0049743	Hall	4-2002
2003/0233242	Wenger	12-2003
2003/0055842	Fields et al.	3-2003
6,711,618	Danner et al.	3-2004

Curriculum Sequencing found at http://www10.org/cdrom/papers/207/node5.html (2001-02-13)

"Data that supports 1 to 1". American Bankers Association. ABA Banking Journal. New York (Oct 2000). Vol. 92, Iss.10; pg. 60

Eguchi, Go and Laurence L. Leff. "Rule-based XML". Artificial Intelligence and Law. Dordrecht: (2002). Vol. 10, Iss. 4; pg. 283

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

    The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 19 is unpatentable under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. Claim 19 recites that each set comprises all courses that are substantially equivalent. Because claim 1 performs the identifying of equivalencies based on comparing text course content, it does not limit the scope of the courses for comparison to those that are based on XML tags or standardized codes, as in claims 20 and 23. The specification discloses that equivalency is determined from participating schools using XML tags. Therefore, the specification does not

disclose that the sets comprise all courses that are equivalent. They can only comprise those

equivalent courses that use the XML tags.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
are such that the subject matter as a whole would have been obvious at the time the invention was made to
a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

5.   **Claims 1-2, 10-13 and 17-19** are unpatentable under 35 U.S.C. 103(a) as being unpatentable

over Hall (US Pub. No. 2002/0049743) in view of Wenger (US Pub. No. 2003/0233242) in view of

Fields et al. (US Pub. No. 2003/0055842, hereinafter referred to as "Fields") in view of Curriculum

Sequencing (found at http://www10.org/cdrom/papers/207/node5.html, published 2001-02-13).

6.   **Claims 1 and 18-19:** Hall, at P[0029], discloses *first and second pluralities of courses from first

and second institutions where the first institution has degree requirements.* Hall discloses an

example degree plan for zoology where the system assembles a course map of courses available

from various academic content providers (i.e., first and second institutions) which are required for

the zoology degree (thus courses are collectively presented that satisfy degree requirements).

Hall discloses identifying equivalency of courses. (P[0022]: aggregator correlates courses from a

junior college to their equivalent at a university and P[0023]: substantially identical courses are

offered). The course information is further categorized by variables, including course availability

and location (i.e., course scheduling information) and course prerequisites (thus the information is

organized in a *hierarchy of requirements*) (P[0029]). Clients (i.e., students) have access to

degree plans (P[0021]), thus students select a first degree.

7.   Hall discloses that curricula, degree plans (i.e. *the plurality of degrees*), subjects and course

schedules are prepared prior to user interaction. (P[0021]: "The aggregator 206 represents a link

between content providers 202 , learning resource vendors 204 and clients 208. Content

providers 202 may be colleges, universities, foundations, private providers, corporations, and

organizations which provide downloadable content 208 for use by clients 210...In the preferred

embodiment, aggregator 206 is a service vendor which provides services to clients 210 seeking

information and products pertaining to academic education. For example, aggregator 206 may

provide clients 210 with information 208 and access to university curricula, degree plans,

subjects, course schedules, textbooks, financial aid and academic or professional accreditation."

Thus, in order for the aggregator to provide this information to a client, the system must already

have identified first and second institutions with degrees and courses. Fig. 3 further supports this

interpretation.)

8.   Hall's system uses software agents to gather information from providers in response to a user

request (P[0027]), thus, Hall does not disclose a sequence of events where the *identifying of*

equivalencies and the *storing of records* (sets) *reflecting equivalencies* is performed prior to the

user requesting course information (i.e. the *presenting, by the computer system, after the*

preparing).

9.   Wenger, however, discloses a system where partner schools participate to create a Database of

Equivalencies (P[0026]). The equivalencies have been formalized between the ACE system and

college course from partner schools. (P[0036]). The Database of Equivalencies specifies whether

credits will defray credits required for a specific program (i.e., course for satisfying a degree

requirement). Reports can be run that relate an input course from one school or courses from a

partner school and can be grouped (i.e., sets are created) by equivalent course number.

(P[0087]). The account holder of the system (i.e., students) can compare their transcript records

to the sets of equivalencies at each school in the system (the system contains sets comprising all

courses) to determine academic credits. (P[0089]. Thus, the equivalencies of the courses

between the schools have been established prior to a student using the information. This results

in the identification of equivalencies prior to a student's interaction with the system.

10. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included creating a database of equivalencies, as disclosed by Wenger, in the system of Hall for the motivation of speeding processing of requests for course information. It is obvious for Hall's database to store equivalency information for administration of the rewards program. It is also obvious for the database to store equivalency information used to create the course map of P[0029] of Hall.

11. Hall/Wenger does not disclose comparing by a computer system, text characterizing course content of the first and second plurality of courses.

12. Fields, however, discloses a system where keywords from course descriptions are compared and a match percentage is calculated and used to determine equivalency. (P[0027-0028]).

13. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included Fields' method of determining equivalent courses in the system of Hall for the motivation of correlating transfer credits to another institution, as well as determining a "substantially identical course" (Hall; P[0024]).

14. Hall discloses equivalent courses (P[0022 and 0024]) and generating a degree plan (P[0029]) does not disclose organizing or populating this information into a dependency graph.

15. Curriculum Sequencing, however, discloses "topics are represented in a dependency graph, with links representing the relationship between topics, which include prerequisite, co-requisite, related, and remedial." (pg. 1; para. 1).

16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included organizing the degree plan of Hall into the dependency graph of Curriculum Sequencing for the motivation of providing a method of visually depicting the courses required for a degree and their relationships. Hall discloses that courses have prerequisites, therefore it is an obvious expansion to use a graphical technique to show these relationships.

17. **Claim 2:** Hall discloses data mining. (P[0026]) and access to university curricula and course schedules (i.e., catalog information).

18. **Claims 10 and 11:** Hall discloses a student selecting a course from a given provider based on cost. (P[0024]) and filtering search results based on relevancy to the client's query. (P[0028]).

19. **Claims 12 and 13:** Hall discloses course availability (i.e., scheduling information) and generating a "custom course map degree plan based on course offerings". (P[0029]). The custom course map is understood to comprise a class schedule as it is based on course offerings, availability and location.

20. **Claim 17:** Hall discloses transferring credits (P[0022]). Hall further discloses viewing the degree plan with the courses needed to be completed in order to obtain the degree. (P[0029]). Thus, the transferred courses are imported such that only the courses needed to be completed are viewed.

21. Claims 4, 5, 7 and 8 are unpatentable under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Wenger (US Pub. No. 2003/0233242) in view of Fields et al. (US Pub. No. 2003/0055842, hereinafter referred to as "Fields") in view of Curriculum Sequencing (found at http://www10.org/cdrom/papers/207/node5.html, published 2001-02-13) and in further view of ABA ("Data that supports 1 to 1". American Bankers Association. ABA Banking Journal. New York: Oct 2000. Vol. 92, Iss.10; pg. 60).

22. **Claims 4, 5, 7 and 8:** Hall does not disclose a standardized coding system created by an unaffiliated third party or delimiting analogous text with standardized codes to enable comparison.

23. Fields, however, discloses determining equivalent course information using course title and keyword matching (i.e., text) with a match percent threshold (P[0027-0028]). Fields does not disclose standardized codes created by an unaffiliated third party.

24. ABA discloses that the American Institute of Certified Public Accountants and a consortium of tech and accounting firms (i.e., an unaffiliated third party) created a common taxonomy of financial terms by applying XML tags so that data could be universally exchanged and shared. Investors using an XML-capable browser can now perform side-by-side comparisons of companies (thus the data is displayed in an XML web page). (pg. 2; para. 13-16).

25. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a third party creating standardized codes (using XML tags) to enable comparison, as disclosed by ABA, in the system of Fields for the motivation of facilitating transfer credit determinations. In P[0049], Fields discloses that future transferees from the same college will have their information evaluated against the stored course description. By expanding Fields to include a standardized code, the evaluation is simplified.

26. It also would have been obvious to one of ordinary skill in the art at the time of the invention to have included Fields' method of determining analogous courses in the system of Hall for the motivation of correlating transfer credits to another institution, as well as determining a "substantially identical course" (Hall; P[0024]).

27. <u>Claim 6</u> is unpatentable under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Wenger (US Pub. No. 2003/0233242) in view of Fields et al. (US Pub. No. 2003/0055842, hereinafter referred to as "Fields") in view of Curriculum Sequencing (found at http://www10.org/cdrom/papers/207/node5.html, published 2001-02-13) and in further view of ABA ("Data that supports 1 to 1". American Bankers Association. ABA Banking Journal. New York: Oct 2000. Vol. 92, Iss.10; pg. 60) in further view of Danner et al. (US Pat. No. 6,711,618, hereinafter referred to as "Danner").

28. **Claim 6:** Hall does not disclose XML tags embedded in HTML pages.

29. Danner, however, discloses XML tags embedded in HTML code. (C8; L57-65).

30. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included XML tags and pages, as disclosed by Danner, in the system of Hall for the motivation of providing formatting instructions and providing the content for display.

31. <u>Claims 20 and 23-25</u> are unpatentable under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Wenger (US Pub. No. 2003/0233242) in view of Fields et al. (US Pub. No. 2003/0055842, hereinafter referred to as "Fields") in view of ABA ("Data that

supports 1 to 1". American Bankers Association. ABA Banking Journal. New York: Oct 2000. Vol. 92, Iss.10; pg. 60) in view of Eguchi et al. ("Rule-based XML". Artificial Intelligence and Law. Dordrecht: 2002. Vol. 10, Iss. 4; pg. 283, hereinafter referred to as "Eguchi").

32. **Claims 20 and 25:** Hall discloses:

- identifying first and second pluralities of courses from first and second institutions where the first institution has degree requirements. (P[0029]: an example degree plan for zoology where the system assembles a course map of courses available from various academic content providers (i.e., first and second institutions) which are required for the zoology degree (thus courses are collectively presented that satisfy degree requirements).

- identifying equivalency of courses. (P[0022]: aggregator correlates courses from a junior college to their equivalent at a university and P[0023]: substantially identical courses are offered).

- presenting the plurality of degrees to a student. (P[0021]).

- selecting a first degree (P[0021]: Clients (i.e., students) have access to degree plans thus students select a first degree and P[0029]: zoology is degree exemplified.)

- populating and presenting a curriculum with selected courses satisfying, according to the equivalencies, the first degree requirements (P[0022 and 0024]: equivalent courses are determined; P[0029]: degree plan is selected with a variety of courses offered by different content providers. A custom course map (i.e., curriculum) is created based on the course offerings from multiple content providers.)

33. Hall discloses that curricula, degree plans (i.e. *the plurality of degrees*), subjects and course schedules are prepared prior to user interaction. (P[0021]: "The aggregator 206 represents a link between content providers 202 , learning resource vendors 204 and clients 208. Content providers 202 may be colleges, universities, foundations, private providers, corporations, and organizations which provide downloadable content 208 for use by clients 210...In the preferred embodiment, aggregator 206 is a service vendor which provides services to clients 210 seeking information and products pertaining to academic education. For example, aggregator 206 may

provide clients 210 with information 208 and access to university curricula, degree plans, subjects, course schedules, textbooks, financial aid and academic or professional accreditation." Thus, in order for the aggregator to provide this information to a client, the system must already have identified first and second institutions with degrees and courses. Fig. 3 further supports this interpretation.)

34. Hall's system uses software agents to gather information from providers in response to a user request (P[0027]), thus, Hall does not disclose a sequence of events where the *identifying of equivalencies* and the *storing of records* (sets) *reflecting equivalencies* is performed prior to the user requesting course information (i.e. the *presenting, by the computer system, after the preparing*).

35. Wenger, however, discloses a system where partner schools participate to create a Database of Equivalencies (P[0026]). The equivalencies have been formalized between the ACE system and college course from partner schools. (P[0036]). The Database of Equivalencies specifies whether credits will defray credits required for a specific program (i.e., course for satisfying a degree requirement). Reports can be run that relate an input course from one school or courses from a partner school and can be grouped (i.e., sets are created) by equivalent course number. (P[0087]). The account holder of the system (i.e., students) can compare their transcript records to the sets of equivalencies at each school in the system (the system contains sets comprising all courses) to determine academic credits. (P[0089]. Thus, the equivalencies of the courses between the schools have been established prior to a student using the information. This results in the identification of equivalencies prior to a student's interaction with the system.

36. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included creating a database of equivalencies, as disclosed by Wenger, in the system of Hall for the motivation of speeding processing of requests for course information. It is obvious for Hall's database to store equivalency information for administration of the rewards program. It is also obvious for the database to store equivalency information used to create the course map of P[0029] of Hall.

37. Hall/Wenger does not disclose identifying first and second text with XML tags to create XML pages, delimiting a first and second potion with identical XML tags to reflect equivalence of data type, providing the XML pages on a computer network or mining the pages to create a record of courses.

38. Fields, however, discloses determining equivalent course information using course title and keyword matching (i.e., text) with a match percent threshold (P[0027-0028]).

39. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included Fields' method of determining equivalent courses in the system of Hall for the motivation of correlating transfer credits to another institution, as well as determining a "substantially identical course" (Hall; P[0024]).

40. ABA discloses a common taxonomy of financial terms by applying XML tags so that data could be universally exchanged and shared. Investors using an XML-capable browser can now perform side-by-side comparisons of companies (thus the data is mined from and is displayed in an XML web page). (pg. 2; para. 13-16). The use of "commonly defined tags" that results in "side-by-side comparisons" and automate financial reporting inherently comprise identical XML tags.

41. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included using identical XML tags in XML pages to enable comparison through mining, as disclosed by ABA, in the system of Fields for the motivation of facilitating transfer credit determinations. In P[0049], Fields discloses that future transferees from the same college will have their information evaluated against the stored course description. By expanding Fields to include a standardized code such as a common taxonomy for XML tags, the evaluation is simplified.

42. It also would have been obvious to one of ordinary skill in the art at the time of the invention to have included Fields' method of determining analogous courses in the system of Hall for the motivation of correlating transfer credits to another institution, as well as determining a "substantially identical course" (Hall; P[0024]).

43. Eguchi discloses that XML tags delimit information and establish a structure using a parser to locate the tags to extract the information. (pg. 2; para. 4).

44. Therefore, it would have been obvious to one of ordinary skill in the art to include in the parser and delimiting of Eguchi in the common taxonomy XML-based system as taught by ABA since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

45. **Claims 23 and 24:** Hall discloses

- identifying a first and second catalog (P[0009]: aggregators has relationships with content providers and has access to an organization's databases that store institutional knowledge (i.e., a catalog) and P[0021]: aggregator provides access to subjects and course schedules (i.e., a catalog).)

- offering first and second pluralities of courses from first and second institutions where the first institution has degree requirements. (P[0029]: an example degree plan for zoology where the system assembles a course map of courses available from various academic content providers (i.e., first and second institutions) which are required for the zoology degree (thus courses are collectively presented that satisfy degree requirements).

- identifying equivalency of courses. (P[0022]: aggregator correlates courses from a junior college to their equivalent at a university and P[0023]: substantially identical courses are offered).

- presenting the plurality of degrees to a student. (P[0021]).

- selecting a first degree (P[0021]: Clients (i.e., students) have access to degree plans thus students select a first degree and P[0029]: zoology is degree exemplified.)

- selecting first and second courses. (P[0029]: information on zoology courses offered by each content provider are retrieved.)

- populating and presenting a curriculum with selected courses satisfying, according to the equivalencies, the first degree requirements (P[0022 and 0024]: equivalent courses are

determined; P[0029]: degree plan is selected with a variety of courses offered by different content providers. A custom course map (i.e., curriculum) is created based on the course offerings from multiple content providers.)

46. Hall discloses that curricula, degree plans (i.e. *the plurality of degrees*), subjects and course schedules are prepared prior to user interaction. (P[0021]: "The aggregator 206 represents a link between content providers 202 , learning resource vendors 204 and clients 208. Content providers 202 may be colleges, universities, foundations, private providers, corporations, and organizations which provide downloadable content 208 for use by clients 210...In the preferred embodiment, aggregator 206 is a service vendor which provides services to clients 210 seeking information and products pertaining to academic education. For example, aggregator 206 may provide clients 210 with information 208 and access to university curricula, degree plans, subjects, course schedules, textbooks, financial aid and academic or professional accreditation." Thus, in order for the aggregator to provide this information to a client, the system must already have identified first and second institutions with degrees and courses. Fig. 3 further supports this interpretation.)

47. Hall's system uses software agents to gather information from providers in response to a user request (P[0027]), thus, Hall does not disclose a sequence of events where the *identifying of equivalencies* and the *storing of records* (sets) *reflecting equivalencies* is performed prior to the user requesting course information (i.e. the *presenting, by the computer system, after the preparing*).

48. Wenger, however, discloses a system where partner schools participate to create a Database of Equivalencies (P[0026]). The equivalencies have been formalized between the ACE system and college course from partner schools. (P[0036]). The Database of Equivalencies specifies whether credits will defray credits required for a specific program (i.e., course for satisfying a degree requirement). Reports can be run that relate an input course from one school or courses from a partner school and can be grouped (i.e., sets are created) by equivalent course number. (P[0087]). The account holder of the system (i.e., students) can compare their transcript records

to the sets of equivalencies at each school in the system (the system contains sets comprising all courses) to determine academic credits. (P[0089]. Thus, the equivalencies of the courses between the schools have been established prior to a student using the information. This results in the identification of equivalencies prior to a student's interaction with the system.

49. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included creating a database of equivalencies, as disclosed by Wenger, in the system of Hall for the motivation of speeding processing of requests for course information. It is obvious for Hall's database to store equivalency information for administration of the rewards program. It is also obvious for the database to store equivalency information used to create the course map of P[0029] of Hall.

50. Hall/Wenger does not disclose comparing by a computer system, text characterizing course content of the first and second plurality of courses. Note: course content is text from a catalog.

51. Fields, however, discloses a system where keywords from course descriptions are compared and a match percentage is calculated and used to determine equivalency. (P[0027-0028]).

52. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included Fields' method of determining equivalent courses in the system of Hall for the motivation of correlating transfer credits to another institution, as well as determining a "substantially identical course" (Hall; P[0024]).

53. Hall does not disclose a standardized coding system created by an independent third party or using identical standardized codes.

54. ABA discloses that the American Institute of Certified Public Accountants and a consortium of tech and accounting firms (i.e., an unaffiliated third party) created a common taxonomy of financial terms by applying XML tags so that data could be universally exchanged and shared. Investors using an XML-capable browser can now perform side-by-side comparisons of companies (thus the data is mined from and is displayed in an XML web page). (pg. 2; para. 13-16). The use of "commonly defined tags" that result in "side-by-side comparisons" and automate financial reporting inherently comprise identical XML tags.

55. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included using identical XML tags in XML pages to enable comparison through mining, as disclosed by ABA, in the system of Fields for the motivation of facilitating transfer credit determinations. In P[0049], Fields discloses that future transferees from the same college will have their information evaluated against the stored course description. By expanding Fields to include a standardized code such as a common taxonomy for XML tags, the evaluation is simplified.

56. It also would have been obvious to one of ordinary skill in the art at the time of the invention to have included Fields' method of determining analogous courses in the system of Hall for the motivation of correlating transfer credits to another institution, as well as determining a "substantially identical course" (Hall; P[0024]).

57. Hall does not disclose differentiating text by data type and delimiting data types using the standardized codes.

58. Eguchi discloses that XML tags delimit information and establish a structure using a parser to locate the tags to extract the information. (pg. 2; para. 4-5: motions are sent to a validating parser to ensure the document complies with the Court Document Standard, thus the validated motions have test that is delimited by the same standardized coed (i.e., the XML tag) as the Court Document Standard).

59. Therefore, it would have been obvious to one of ordinary skill in the art to include in the parser and delimiting of Eguchi in the common taxonomy XML-based system as taught by ABA since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

(10) Response to Argument

1. Firstly, the Examiner notes that Appellant did not submit an argument regarding the rejection of claim 19 under 35 U.S.C 112, first paragraph.

2. Appellant states that the Appellant does not find "any teaching or suggestion of presenting a plurality of degrees to a student before receiving any inputs from a student."

3. The Examiner asserts that Hall does disclose that curricula, degree plans (i.e. *the plurality of degrees*), subjects and course schedules are prepared prior to user interaction. (P[0021]: "The aggregator 206 represents a link between content providers 202 , learning resource vendors 204 and clients 208. Content providers 202 may be colleges, universities, foundations, private providers, corporations, and organizations which provide downloadable content 208 for use by clients 210…In the preferred embodiment, aggregator 206 is a service vendor which provides services to clients 210 seeking information and products pertaining to academic education. For example, aggregator 206 may provide clients 210 with information 208 and access to university curricula, degree plans, subjects, course schedules, textbooks, financial aid and academic or professional accreditation." Thus, in order for the aggregator to provide this information to a client, the system must already have identified first and second institutions with degrees and courses. Fig. 3 further supports this interpretation.)

4. The Examiner further cites Wenger for teaching the step of identifying equivalencies between courses prior to student inputs. Wenger teaches that partner schools participate to create a Database of Equivalencies (P[0026]). The equivalencies have been formalized between the ACE system and college course from partner schools. (P[0036]). The Database of Equivalencies specifies whether credits will defray credits required for a specific program (i.e., course for satisfying a degree requirement). Reports can be run that relate an input course from one school or courses from a partner school and can be grouped (i.e., sets are created) by equivalent course number. (P[0087]). The account holder of the system (i.e., students) can compare their transcript records to the sets of equivalencies at each school in the system (the system contains sets comprising all courses) to determine academic credits. (P[0089]. Thus, the equivalencies of the courses between the schools have been established prior to a student using the information. This results in the identification of equivalencies prior to a student's interaction with the system.

5. Appellant further argues that a combination of Wenger and Fields is incompatible because Wenger teaches "essentially having actual school administrators or representatives meet and decide what course would be considered equivalents."

6. Wenger discloses at P[0026]: Profiling for Schools (Degree, Programs, Licensure) Program. Referring again to FIG. 2, wherein partner schools participating in the ACET Auditor program are defined 40, their course program catalogs are created 42 and a Database of Equivalencies is developed 44, this function compares 46 colleges without regard to a specific candidate and presents requirements for degrees at the school, for a specific program of study, and/or for a specific licensure program. For example, a profile might include the BS degree in the College of Business, Industry, Life Science, and Agriculture at XYZ University. It could profile a specific program of study, i.e. biology, in that college/university. It could also profile the state standards or college course requirements for a specific licensure for teaching.

7. At P[0036]: Course Equivalencies Subsystem. This subsystem 44 includes information regarding equivalencies that have been formalized between the ACE and other program courses and college courses from partner schools. Information is entered into this database through the Research system by the registrar or admissions personnel 40.

8. The Examiner contends that Wenger does not limit itself to determining equivalencies by "essentially having actual school administrators or representatives meet and decide what course would be considered equivalents." Rather, Wenger is silent as to how equivalencies are determined. Thus, the teaching of Fields where keywords from course descriptions are compared and a match percentage is calculated and used to determine equivalency is not incompatible with Wenger.

9. Appellant argues with respect to claims 12 and 13 that course "availability and course scheduling are not the same thing" and defines course availability as relating "to what semester a course may be offered, or which educational facility may offer a course".

10. The Examiner notes that claims 12 and 13 recite merely "scheduling information" and creating a class schedule and maintains that Hall's disclosure of course availability and generation of a "custom course map degree plan based on course offerings" at P[0029] implicitly requires course scheduling information. The custom course map is understood to comprise a class schedule as it is based on course offerings, availability and location.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals

and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/G. M./

Examiner, Art Unit 3629

Conferees:

/Matthew L. Brooks/

Primary Examiner, GAU 3629

Vincent Millin /vm/
Appeals Practice Specialist